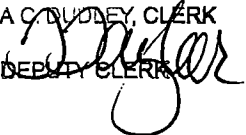


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DEC 18 2015

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

ISRAEL RAY COOPER,)	CASE NO. 7:15CV00522
)	
Plaintiff,)	
v.)	MEMORANDUM OPINION
)	
WARDEN EARL BARKSDALE, <u>ET AL.</u> ,)	By: Glen E. Conrad
)	Chief United States District Judge
Defendant(s).)	

The plaintiff, Israel Ray Cooper, has filed his sixth motion for preliminary injunctive relief in this civil rights action under 42 U.S.C. § 1983. The initial complaint alleges that prison officials at Red Onion State Prison have assaulted Cooper on four prior occasions in March, April, May, and October 2015. The court has denied Cooper's five previous motions for interlocutory injunctive relief, upon finding that these past events did not predict a likelihood that officials would cause Cooper irreparable harm in the future. See Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20 (2008) (stating factors movant must show to warrant interlocutory injunctive relief).

In the current motion, Cooper alleges, among other things, that on December 10, 2015, an officer assaulted him. Officer Taylor allegedly told Cooper that he was being escorted to "C" building, "where he would be made to pay for putting [Taylor] on a lawsuit." (Mot. 2, ECF No. 32.) Cooper asked to have someone videotape the incident. In response, Taylor allegedly "grabbed Cooper by the back of his neck, swept his legs out from under him, and with great force slammed Cooper face first into the concrete floor." (Id.) Officers then allegedly dragged Cooper, with blood streaming down his face, to the medical unit. After a doctor stitched up a gash in Cooper's head, officers allegedly left the inmate lying on the floor of a suicide watch cell

for five hours. Cooper alleges that he was then held in medical, given X-rays, and monitored for a possible concussion, before being placed in "C" building. Cooper asserts that on this evidence, the court should issue unspecified injunctive relief.

Because this motion concerns events subsequent to and separate from the events at issue in this lawsuit, the court will dismiss the motion without prejudice in this case. However, the court will direct the clerk to file the motion as a new and separate civil action. An appropriate order will issue this day.

The Clerk is directed to send copies of this memorandum opinion and accompanying order to plaintiff.

ENTER: This 17th day of December, 2015.



Chief United States District Judge